IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO. 1937 OF 2005

Mahatma Educational Society & Anr. ...Petitioners

Versus

The State of Maharashtra & Ors. ...
Respondents

WITH

WRIT PETITION (LODGING) NO. 1903 OF 2005

Oriental Education Society & Anr. ...Petitioners

Versus

The State of Maharashtra & Ors. ...
Respondents

WITH

WRIT PETITION (LODGING) NO. 1904 OF 2005

Maharashtra Educational Society & Anr. ...Petitioners

Versus

The State of Maharashtra & Ors. ...
Respondents

IN ALL MATTERS:

Mr. C.K. Thomas for the Petitioners

Mr. A.A. Kumbhakoni, Associate Advocate General,
for Respondents No. 1 and 2
Mr. R.A. Rodrigues for Respondent No. 3.

CORAM: **DALVEER BHANDARI, C.J., &**
DR. D.Y. CHANDRACHUD, J.
DATE: AUGUST 23, 2005.

P.C.:-

1. The brief facts, which are necessary to dispose of these petitions, are recapitulated as under:-

2. In Writ Petition (Lodging) No. 1937 of 2005 , the first petitioner is a linguistic minority speaking South Indian languages haling from Kerala and is a minority community in the State of Maharashtra. The first petitioner is a Public Trust registered under the Bombay Public Trust Act, 1950 and also a Society registered under the Societies Registration Act, 1860. The second petitioner is a recognized college conducting B.Ed. College run by the first petitioner. The petitioners are challenging the impugned order dated 17th June, 2005 of respondent No. 4, Pravesh Niyantran Samiti, whereby respondent No. 4 has minimised the management quota to

50%, which is arbitrary, illegal and unconstitutional, because the second petitioner is an unaided minority institution. The petitioners have prayed that the operation and implementation of the impugned order dated 17th June, 2005 be stayed and the petitioners be permitted to proceed with the admission of their minority quota of 75% as per the academic year 2004-05.

3. In Writ Petitions (Lodging) No. 1903 and 1904 of 2005, the first petitioner is a linguistic Hindi speaking minority haling from Uttar Pradesh, and is a minority community in the State of Maharashtra. The first petitioners are Public Trusts registered under the Bombay Public Trust Act, 1950 and also Societies registered under the Societies Registration Act, 1860. The second petitioners are recognized colleges conducting B.Ed. College run by the first petitioners. The petitioners are challenging the impugned order dated 7th April, 2005 passed by respondent No. 4, Pravesh Niyantran Samiti, whereby respondent No. 4 has minimised the management quota to 50%, which is arbitrary, illegal and unconstitutional, because the second petitioners are unaided minority institutions.

4. The petitioners in these petitions pray that the impugned order is contrary to the law laid down by the Hon'ble Supreme Court in *T.M.A. Pai Foundation v. State of Karnataka*, reported in AIR 2003 SC 355, and also the subsequent clarificatory judgment in the matter of *Islamic Academy of Education and Anr. v. State of Karnataka* on 14th August, 2004 and it is totally unwarranted for the respondents to impose any reservation in admission and reduction of the minority quota from 75% to 50% in the B.Ed. Colleges established and managed by the unaided minority managements.

5. We have heard the learned counsel for the parties, and by consent, we pass the following order:-

6. In view of a Division Bench judgment of this Court in Writ Petition No. 4167 of 20005 decided on 13th July, 2005, Rule is made absolute in terms of prayer clause (a), and quota of 75%, which was granted by the Pravesh Niyantran Samiti last year, is restored for this year. Consequently, the impugned orders dated 17th June, 2005 and 7th April, 2005 are set aside. No further directions are necessary in these

petitions. These petitions are accordingly disposed of.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.